

## **REMARKS**

### **Amendments to and Status of Claims**

The claims are not amended with this paper. Therefore, claims 13, 16-23, 34, 35, and 37-39 are pending in the application. Claims 13, 16-23, 34, and 39 are under examination, while claims 35, 37 and 38 are withdrawn from consideration. Applicants request rejoinder and consideration of claims 35, 37 and 38.

Applicants note with appreciation the indication in the Office Action that all prior grounds of rejection have been withdrawn. Applicants request reconsideration of the application in view of the remarks herein.

### **Rejections under 35 U.S.C. 103(a)**

In the Office Action, claims 13, 18-20, 22, 23, 34, and 39 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Mapes et al. PCT Publication WO 2005/009104 ("Mapes"). This rejection is traversed.

Applicants do not agree that the Mapes reference renders obvious the subject matter of the pending claims. Applicants respectfully contend that the present claims patentably distinguish over the cited reference.

Nevertheless, without agreeing with the rejection, Applicants note that the rejection is improper in view of the filing date of the Mapes reference. As the Patent Office has previously acknowledged, the present application claims priority to three Japanese priority patent applications, each of which was filed prior to the priority application of Mapes. Applicants submit herewith an English translation of each of these priority applications (Japanese Patent Application No. 2002-324632, filed November 8, 2002; Japanese Patent Application No. 2003-016889, filed January 27, 2003; and Japanese Patent Application No. 2003-153986, filed May 30, 2003) together with a Statement by the translator verifying that each translation is a true English translation of the respective Japanese priority application. Applicants therefore contend that all requirements for obtaining the benefit of priority to these Japanese priority applications have been met, and that the Mapes

reference is not an effective reference against the present application. The rejection over Mapes is improper and must be withdrawn.

In the Office Action, claims 16, 17, and 21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Mapes et al. PCT Publication WO 2005/009104 ("Mapes") in view of a reference of Patini et al. ("Patini"). This rejection is traversed.

Applicants do not agree that the Mapes reference renders obvious the subject matter of the pending claims (whether considered alone or in combination with the Patini reference). Applicants respectfully contend that the present claims patentably distinguish over the cited references.

Nevertheless, without agreeing with the rejection, Applicants note that the rejection is improper in view of the filing date of the Mapes reference. As discussed above, Applicants contend that all requirements for obtaining the benefit of priority to the Japanese priority applications have been met, and that the Mapes reference is not an effective reference against the present application. The rejection over Mapes is improper and must be withdrawn. The Patini reference cannot support a rejection of the pending claims, and the Office Action does not allege that Patini alone would render the pending claims unpatentable. The rejection of claims 16, 17, and 21 must be withdrawn.

Reconsideration and withdrawal of the rejections is proper and the same is requested.

### **CONCLUSION**

For at least the foregoing reasons, Applicants consider that the application is in condition for allowance. Early and favorable consideration of the application is earnestly solicited.

In the event that any extension of time is required, the undersigned conditionally requests any necessary extension. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith

Application No. 10/534,081  
Response dated June 22, 2010  
After Final Office Action of March 23, 2010

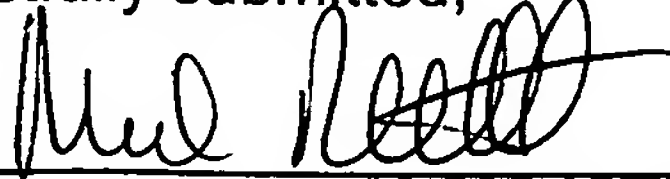
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(or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Reference No. 66530 (46590), Customer No. 21874.

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Respectfully submitted,

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